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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,576	09/12/2003	Chi-Jen Hong	2019-02250P	5275
2292	7590	06/20/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRINH, TAN H	
			ART UNIT	PAPER NUMBER

2618

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/660,576		HONG, CHI-JEN	
	<b>Examiner</b>		<b>Art Unit</b>	
	TAN TRINH		2684	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Yi (U.S. Pub . No. 20010039873).

Regarding claim 1, Yi teaches a method for providing a background sound effect for a mobile phone (see fig. 2, page 2, section [0021] and page 3, section [0049]), the mobile phone using a carrier as a communication medium (see fig. 2, page 1, section [0015] and page 2, sections [0025-0026]), the method comprising: providing an initial message for conversation (see fig. 4, step 404a, for voice communication without the background music, page 1, section [0016] and page 3, section [0046]); and providing a background sound effect carried by the carrier (see page 3, sections [0048-0049]) , whereby two parties communicating through the mobile phone can hear the background sound effect (see page 3, section [0049]).

Regarding claim 2, Yi teaches wherein the initial message for conversation is an initial message indicating a called party receiving a phone call as being called by a calling party using the mobile phone (see page 2, section [0035] and page 3, section [0046], since initial message is the party answering the call and performed voice communication.

Regarding claim 3, wherein the initial message for conversation is an initial message indicating a user of the mobile phone picking up a phone call. This is a well known in the art, since initial message is the party answering the call, which is the user is must pick up the phone call and performed voice communication.

Regarding claim 4, Yi teaches wherein the background sound effect is stored in a memory of the mobile phone (see page 1, section [0011 and 0018] and page 3, section [0048]).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8, 10 and 13-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yi (U.S. Pub . No. 20010039873) in view of Zhao (U.S. Pub No. 20040204135).

Regarding claim 10, Yi teaches a mobile phone providing a background sound effect (see fig. 2, page 2, section [0021] and page 3, section [0049]), comprising a wireless transceiver for sending and receiving a wireless carrier for the mobile phone (see fig. 2), the wireless carrier carrying voice signals of two conversation parties (see page 3, section [0049]); a sound effect memory storing at least one background sound effect (see page 1, section [0011 and 0018] and page 3, section [0048]); Yi teaches a mixed signal connected to the wireless transceiver and the

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sound effect memory (see fig. 2, multimedia card (MMC 211 and Microcomputer 207 with DA convert 209 fog CODEC 204 mixes the signal, page 2, sections [0029-0030]), the sound mixed fetching a background sound effect from the sound effect memory and mixing the background sound effect for the carrier (see page 3, sections [0048-0049]), whereby the two conversation parties hear the background sound effect (see page 3, section [0049]). But Yi is not show the mixer to mixed the background sound and carrier.

However, Zhao teaches the mixer to mixed the background sound and carrier (see fig. 1-2, the mixer 150 is mixed the multimedia content (background sound) with the carrier, pages 3-4, section [0031-0042]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Yi and the providing of the teaching of Zhao on Mixer, in order to provide user with more mixed multimedia content including the original multimedia content easier (see Zhao page 4, section [0038]).

Regarding claims 5 and 13, Yi teaches wherein background sound effect is pre-recorded in the memory (see page 2, section [0029] and page 3, section [0048]). But Yi fails to show the memory is a read-only memory.

However, Zhao teaches the memory is a read-only memory (see fig. 1, the memory 45, includes read-only memory (ROM) page 2, sections [0024-0025] and page 3, section [0032]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Yi and the providing of the teaching of Zhao on ROM, in order to provide user with a group of memory in data storage device.

Regarding claims 6 and 14, Yi teaches wherein the memory is a memory and the background sound effect is recorded in the memory or downloaded to the memory from a network (see page 1, section [0011 and 0018] and page 3, sections [0047-0048]), Yi teaches the memory is obvious to a flash memory so that the background music play device can be installed to and uninstalled from the mobile phone. However, Zhao also teaches the memory is flash memory (see fig. 1, the memory 45, includes flash memory, page 2, sections [0024-0025]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Yi and the providing of the teaching of Zhao on flash memory, in order to provide user with a group of memory in data storage device.

Regarding claim 7, Yi teaches wherein the network is a communication network or an Internet (see fig. 1, mobile station using CDMA technology, with voice communication between two mobile station, must have a base station and network, so that the network is a communication network, page 1, sections [0006 and 0013]).

Regarding claims 8 and 15, Yi teaches wherein the background sound effect is mixed in the carrier by a digital signal processor (see fig. 2, page 2, sections [0029-0030]). Since the Microcomputer 207 read the selected music file and send the same to the decoder for decoded into digital audio signal, the mixer is mixed signal into PCM data, the PCM data is transmitted to the MSM and MSM encodes the PCM data (PCM tone generator) type, and the tone

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generator may be configured by hardware that employs a DSP, so that the Yi inherently teaches the digital signal processor (DSP) of the limitation of claim.

Regarding claim 16, Zhao teaches further comprising a man-machine interface connected to the sound mixer, a user using the man-machine interface to select a background sound effect and mix the background sound effect for the carrier (see fig. 2, user interface 60 and mixer 150).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yi (U.S. Pub . No. 20010039873) in view of Komandur (U.S. Pub. No. 20040047290).

Regarding claim 9, Yi teaches wherein the carrier is a CDMA carrier. But Yi fails to teach a GSM carrier, a GPRS carrier or a 3G carrier.

However, Komandur the carrier is a GSM carrier, a GPRS carrier or a 3G carrier (see fig. 6, page 1, sections [0004 and 0025] and page 3, section [0042]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Yi and the providing of the teaching of Komandur on GSM carrier, a GPRS carrier or a 3G carrier, in order to provide user with a more communication network carrier in packet data over a wireless air interface.

6. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yi (U.S. Pub . No. 20010039873) in view of Zhao (U.S. Pub No. 20040204135) further in view of Komandur (U.S. Pub. No. 20040047290).

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Regarding claims 11-12, Yi teaches wherein the carrier is a CDMA carrier. But Yi or Zhao fails to teach a GSM carrier, a GPRS carrier or a 3G carrier.

However, Komandur the carrier is a GSM carrier, a GPRS carrier or a 3G carrier (see fig. 6, page 1, sections [0004 and 0025] and page 3, section [0042]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Yi and Zhao and by the providing of the teaching of Komandur on GSM carrier, a GPRS carrier or a 3G carrier, in order to provide user with a more communication network carrier in packet data over a wireless air interface.

### ***Conclusion***

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

**8.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.



The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh   
Division 2618  
June 14, 2006

Anderson, Matthew D. (SPE 2618)

